3rd Councilmanic District

* BEFORE THE

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 93-277-A

Chizuk Amuno Congregation Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the owner of the subject property, Chizuk Amuno Congregation, by its agent, Richard L. Smith. The Petitioner requests relief from Sections 1B01.2.B.2 and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section 1, Page 29 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing building length of 550 feet overall, more or less, in lieu of the maximum permitted 300 feet, and to permit an existing and proposed building width of 355 feet in lieu of the maximum permitted 300 feet, for the existing building and proposed four (4)-room school addition as more particularly described on Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petitioner was Richard L. Smith, Professional Engineer with KCI Technologies, Inc. The Petitioner was represented by Benjamin Bronstein, Esquire. There were no Protestants.

Testimony and evidence presented indicated that the subject property, known as 8100 Stevenson Road, consists of 23.3 acres, more or less, zoned D.R. 2, and is the site of the Chizuk Amuno Congregation synagogue and private school. The property is improved with a number of buildings which house the religious and educational facilities for the Congregation. Said property was the subject of prior zoning Case No. 92-414-A in which

the Petitioner was granted approval to erect a double-faced, illuminated sign of 24 sq.ft. in lieu of the permitted 15 sq.ft., non-illuminated sign, on June 9, 1992. The Petitioner now comes before this Zoning Commissioner as a result of a change in State law as it relates to classroom requirements for first grade students. Specifically, the State Fire Code has been amended to require that all first grade classrooms be located on the floorplan of the existing building, the Petitioner has found it necessary to erect a classroom addition onto the existing facility, immediately adjacent to the gymnasium. As a result of the proposed construction, the relief requested is necessary in order to amend the previously approved. site plan and to bring the property into compliance with same. As the site plan shows, the interconnecting buildings, which must be considered as one building under the zoning regulations, exceed the permitted width and length requirement, thus the variances are needed. It is to be noted that the facility is a self-contained campus. Therefore, the proposed improvements will not impact any of the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the E.C.2.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this of April, 1993 that the Petition for Zoning Variance requesting relief from Sections 1801.2.8.2 and 504.2 of the Bultipore County Zoning Regulations (B.C.Z.R.) and from Section 1, Page 29 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing building length of 550 feet overall, more or less, in lieu of the

maximum permitted 300 feet, and to permit an existing and proposed building width of 355 feet in lieu of the maximum permitted 300 feet, for the existing building and proposed four (4)-room school addition, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > - 4-

Zoning Commissioner for Baltimore County

LES:bjs

ENED FOR

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

500

(410) 887-4386

April 2, 1993

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE NW/Corner Stevenson Road and I-695 (Baltimore Beltway) (8100 Stevenson Road) 3rd Election District - 3rd Councilmanic District Chizuk Amuno Congregation - Petitioner Case No. 93-277-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs cc: People's Counsel

285 Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 8100 Stevenson Road which is presently zoned "DR-2" This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.282, 504.2 of the BCZR and Section 1, Page 29 of the CMDP (Non-Residential Principal Buildings in a DR Zones) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) See Attached Statement Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. VWe do solemnly declare and affirm, under the penalties of perjury, that I/we are the

93-277-A STATEMENT TO ACCOMPANY PETITION FOR VARIANCES

..

The petitioner is requesting variances to the BCZR and CMDP to allow an existing building length to be 550'+ overall in lieu of the allowed 300' which is a variance of 250'+; and to allow an existing and proposed building width of 355'± in lieu of the allowed 300' which is a variance of 55'+.

The petitioner is seeking relief from the BCZR and CMDP in that to comply causes undue hardship and practical difficulty to the petitioner.

The subject property is improved with a synagogue and hebrew school integrated into a complex of school buildings, gymnasium, school and synagogue offices, chapel, main sanctuary, food preparation areas, meeting halls and an enclosed courtyard. All these facilities are interconnected by hallways and stairs so that there is a total building length and width as described above. Further, it is proposed to add a 4 (four) room school addition to the south wall of the existing gymnasium. This addition will increase the overall building width to 355'±. The 4 (four) classrooms are required in order to comply with the Baltimore County Fire Departments request to place all first grade children in ground floor classrooms instead of being on an upper floor.

With the present school plant and the projected school curriculum and pupil enrollment the only means available to meet the fire departments request is to add the 4 (four) classrooms as shown on the plan accompanying this petition.

To not add the classrooms will force the school to totally relocate all it's classes and will force it to completely restructure the activities of the students.

Lastly, to comply to the BCZR and the CMDP would require major alterations to the existing physical plant which in a practical manner cannot be done.

285



93-277-A

ZONING DESCRIPTION OF THE CHIZUK AMUNO SYNAGOGUE SITE 3RD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

COMMENCING at the intersection of the centerlines of Manor Hill Road and Stevenson Road, thence running on the centerline of Stevenson Road North 08 degrees 22 minutes 45 seconds East 100.00 feet thence to the west side of Stevenson Road, North 81 degrees 37 minutes 15 seconds West 20.00 feet to the Point of Beginning of this description, thence binding on the westerly side of Stevenson Road, 2 courses,

- (1) South 19 degrees 41 minutes 21 seconds West 101.98 feet
- (2) South 08 degrees 22 minutes 45 seconds West 650.00 feet to the northerly side of the Baltimore Beltway, thence binding on said Beltway, 4 courses,
- (3) South 73 degrees 30 minutes 18 seconds West 174.26 feet
- (4) South 81 degrees 40 minutes 20 seconds West 146.46 feet
- (5) South 82 degrees 04 minutes 38 seconds West 313.58 feet thence

		regar owner(s) or the property which is the subject of this Petition.
	Contract Purchasenfusesse:	Legal Owner(s)
	(Type or Print Hame)	Chizuk Amuno Congregation
	Sprains	Howerk. Glas President
	Address	Richard L. Smith, Agent
	City State Ziocode	Bul Donith
986	Junionin Banstein	410-321-5557 <u>126 Othoridge Road</u> 410-296-5216
	KI 1	Address Phone No. Lutherville Maryland 21093 City State Zincorte
E .	es a sieguehama for 2960202	City State Zipcode Name, Address and phone number of legal owner, contract purchaser or represe to be contacted.
52 0	Address No 21204	Mr. Stanley Minch
	City State Zecote	8100 Stevenson Road 410-486-6400
	City State Zipcode	Address Pikesville, Maryland 21208
		ESTIMATED LENGTH OF HEARING
5	No REVIEW 2-17-93 WCR	the fellowing dates Heat Two Men
2 4 7		ALLOTHER
055	2-17-93 WCR	REVIEWED BY: DATE

93-277-A

Description The Chizuk Amuno Synagogue Site February 12, 1993

the point of beginning.

(6) South 84 degrees 51 minutes 45 seconds West 391.38 feet to the east side of Templegate, thence leaving said Beltway and binding on Templegate, 3 courses,

(7) North 05 degrees 08 minutes 15 seconds West 559.59 feet, thence

(8) North 49 degrees 50 minutes 48 seconds East 389.45 feet thence

(9) Northerly by a curve to the left 283.75 feet, said curve having a radius of 300.00 feet and a chord of North 22 degrees 45 minutes 03 seconds East 273.29, feet thence leaving Templegate (10) North 85 degrees 39 minutes 18 seconds East 825.21 feet to the west side of Stevenson Road, thence binding on Stevenson Road (11) South 08 degrees 22 minutes 45 seconds West 237.51 feet to

CONTAINING 23.2794 acres of land more or less.

BEING part of a deed dated June 1, 1953, from the Stevenson Corporation to the Baltimore Hebrew Chizuk Amuno Congregation of Baltimore City, which is recorded among the Land Records of Baltimore County, Maryland in Liber GBL 2303 at Folio 265.

KCI Job No. 01-85346A February 12, 1993

District. 37 d VATIANCO Chizak Amuno Congregation Location of property: NW/cor Stormov RA + I-695 8100 Sterenson Rd Location of Signer Facing You dway on property of Patitionic



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published weeks, the first publication appearing on 314

5. Zete Orlon

\$ 63.22

Zoning Administration & Development Management
111 Vest Chesapeuke Avenue
Tov. son, Maryland 21204

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Zoning Administration & Development Management
111 Vest Chesapeake Avenue
Towson, Maryland 21204

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Account: R-001-6150

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LAST NAME OF CHARLET CHICOR FOREST

03A03#0024HICHRC BA C003:08PH03-19-93

matter is suggested.

111 West Chesapeake Avenue

DATE: 3. 15 93

Chizuk Amuno Congregation

Pikesville, Maryland 21208

3100 Stevenson Road

RE: CASE NUMBER: 93-277-A (Item 285)

3rd Election District - 3rd Councilmanic

Petitioner(s) Chizuk Amuno Congregation

HEARING: THURSDAY, APRIL 1, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please be advised that \$ 63.22 is due for advertising and posting of the above captioned

THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please

write the case number and hearing date on the check and make

same payable to Baltimore County, Maryland. To avoid delay

of the a ruling in your case, immediate attention to this

NWC Stevenson Road & I-695

8100 Stevenson Road

Dear Petitioner(s):

property and hearing date.

Towson, MD 21204

cc: Benjamin Bronstein, Esq.

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

NANC Stevenson Road & I-695 8100 Stevenson Road 3rd Election District - 3rd Councilmanic Petitioner(s) Chizuk Amuno Congregation HEARING: THURSDAY, APRIL 1, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to llow existing building length to be 550'+/- overall in lieu of the allowed 300 feet and to allow an existing and proposed building width of 355'+/- in lieu of the allowed 300 feet.

CASE NUMBER: 93-277-A (Item 285)

cc: Richard L. Smith Benjamin Bronstein, Esq.

111 West Chesapeake Avenue

Towson, MD 21204

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMONATIONS PLEASE CALL 887-3353.

Baltimore County Government Office of Zoning Administration and Development Management



March 18, 1993

(410) 887-3353

Mr. Richard L. Smith 126 Othoridge Road Lutherville, MD 21093

RE: Case No. 93-277-A, Item No. 285 Petitioner: Chizuk Amuno Congregation Petition for Variance

Dear Mr. Smith:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 17, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



This bar 1.5

O. James Lighthizer Secretary

Hal Kassoff Administrator

2-26-93

Ms. Julie Winiarski Zoning Administration and **Development Management** County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County
Item No.: + 285 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

My telephone number le 410-333-1350

BALTIMORE COUNTY, MARYLAND

Baltimore County Government Office of Zoning Administration

and Development Management

(410) 887-3353

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration &

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Development Management

DATE: March 4, 1993

SUBJECT: 8100 Stevenson Road

INFORMATION:

Item Number:

Petitioner:

Property Size: Zoning:

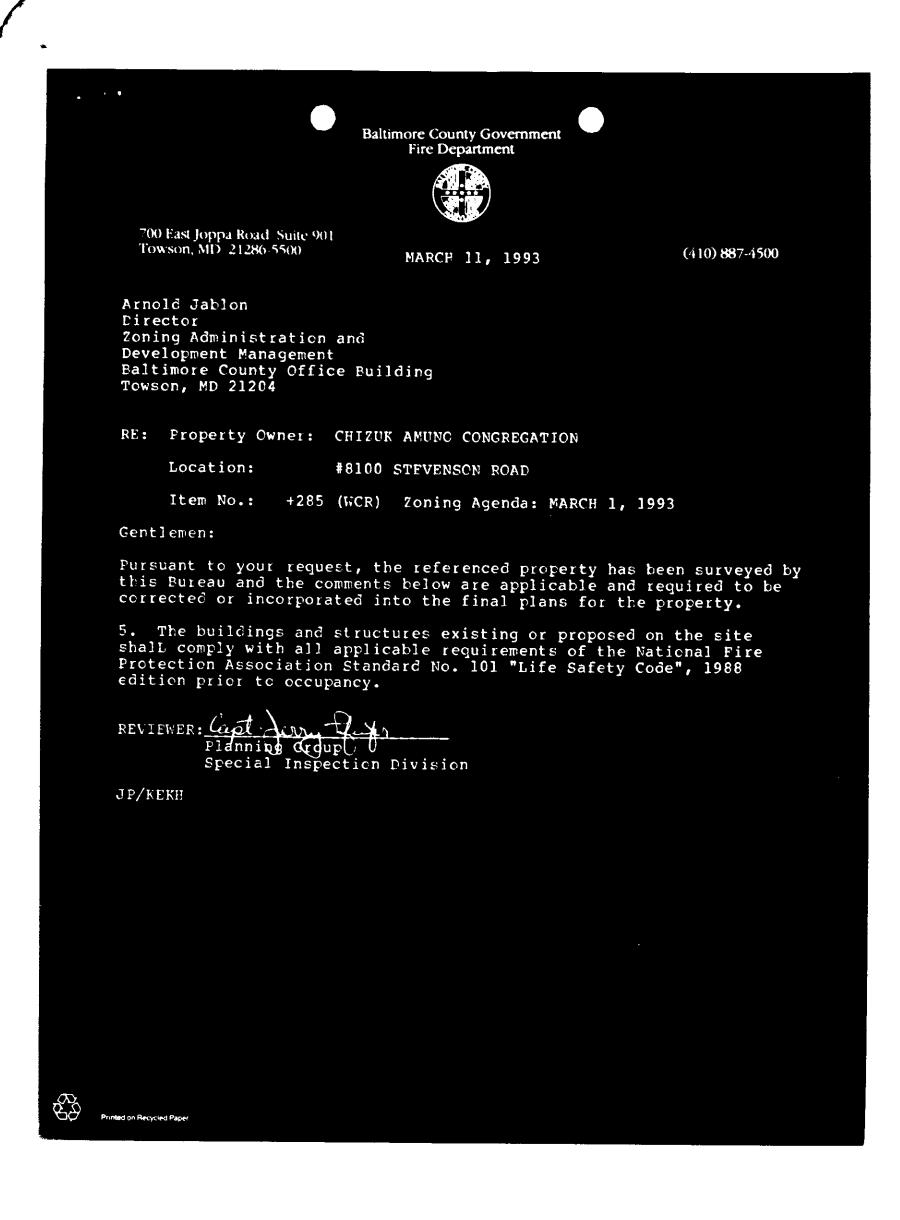
SUMMARY OF RECOMMENDATIONS:

Chizuk Amuno Congregation property is a self-contained campus setting and the

Printed on Recycled Paper

Chizuk Amuno Congregation

The Office of Planning and Zoning supports the applicant's request since the improvement to the property will not impact any community.



Office of Flanning & Boring Tomon, MD 1206 Provisional Approval Permit Not 8.193060 C. 205735 Location 81006 Standard Standard The issues of this passit in to why spents or implies approval of any active relative to this passet which is in conflict with the Bultimere Gunty Toning Repulations. The issues of this passit is to why spents or implies approved of any active relative to this passet which is in conflict with the Bultimere Gunty Toning Repulations. The issues of this passit is subject to the following Conditions: (Flaces check appropriate bon(ea)) Owner most file for a public hearing, Item a 285. Owner most file for a public hearing, Item a 285. Owner most file for a public hearing within any conflicts with the Bultimere County Issuing Repulations. Outse/contract purchases most acknowled spential conflicts with the Bultimere County Issuing Begulations. The constraint purchases may present at his own stale with the Bultimere County forming begulations. The constraint purchases may present at his own stale with the Bultimere County forming all position for mail on the conflicts with the Bultimere County forming any security and passit. However, in the event that may or all at the shore conditions are not completed as displaced, and/or the partition for mailed has been dealed, disalated or withdrawn, this provisional approval is resented forthwith. Immediately thereafter the owner/contract profitses must return the property to the condition it was in prior to the beginning of said contentation and accepts full financial pagnitive in the satter. I also havely certify that I the moleculated as it shall be tree. DIRECTOR DESIRE DESIRED COUNTY in the sattery. I have read the above statement and I agree to thise by the decision of the loning Commissioner if applicable in its sattery. I also havely certify that I the sattery and the passit of a page to this sattery. I also havely certify the county of the count							
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Hork Phone 410 - 160 - 400 Home Phone	Zoning Office S	Hork Phone (_	40-160-6966	Work Phone			

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET						
PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET						
NAME	KCT TECHNOLOGIES INC.					
KKHARD L SMITH	KCI TEMNOLOGIES, INC. 1020 CROMWELL BRIDGE Ro. 21204					
Benjamin Benstein	29W Suguehana Avs Towoon Md 21204					
QSO-3es (10E)	0					
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BENJAMIN BRONSTEIN						
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